

REMARKS/ARGUMENTS

Claims 1, 3, 5, 7, 9, 10, 11, 12, 13, and 15-29 remain in this application. Claims 2, 4, 6, 8, 11, and 14 has been canceled, without prejudice. Claims 1, 11, and 12 has been amended. Support for the amendment to claims 1 and 12 can be found throughout the specification, such as page 7, line 28-33, Figure 1, and original claims 2 and 14. Accordingly, no issues of new matter are believed to be raised by the above amendments to the specification and claims.

OBJECTION TO SPECIFICATION

I

The specification was objected to for (i) containing embedded hyperlinks and/or other form of browser-executable code and (ii) reciting the term "camera 10." See Page 2 of the Office Action. As discussed above, the paragraph beginning at page 1, line 9 has been rewritten to remove such hyperlinks and the paragraph beginning at page 19, line 9 has been rewritten the correctly recite "camera 11," as suggested by the Examiner. Accordingly, Applicants respectfully request that these objections be withdrawn.

II

Claim 12 was objected to for reciting "said skin" in line 3. See page 2 of the Office Action. As discussed above, Claim 12 has been amended to recite "the skin of a person," as suggested by the Examiner. Accordingly, Applicants respectfully request that this objection be withdrawn.

REJECTIONS UNDER 35 USC 112

Claims 2, 4, 6-8, 10, 11, 14, 19, and 23 were rejected under 35 USC 112, second paragraph. See Pages 2-4 of the Office Action.

I

Claim 2 was rejected for reciting "wherein the light entering said camera is not filtered with a polarizing filter prior to such light entering said camera." Claims 4, 6, 8, and 11 were

also rejected as they are dependent from claim 2. See page 2-3 of the Office Action. Applicants have canceled claim 2. Claims 4, 6, 8, and 11 now depend from claim 1, which clarifies that "said light filtered using said polarizing filter is not filtered with another polarizing filter prior to such light entering said camera." Accordingly, Applicants respectfully request that this rejection of claims 2, 4, 6, 8, and 11 under 35 USC 112, second paragraph be withdrawn.

II

Claim 7 was rejected since "it was not understood what is meant by the terms 'vertical' and 'horizontal' because a reference plane is not defined. Claim 8 was rejected as depending from claim 7. See Page 3 of the Office Action. Applicants respectfully disagree. These terms are well known to one of ordinary skill in the art. As set forth in Webster's Collegiate Dictionary (attached hereto as Exhibit A), (i) the term "horizontal" is defined as "parallel to, in the plane of, or operating in the plane parallel to the horizon" and (ii) the term "'vertical" is defined as "perpendicular to the plane of the horizon." Accordingly, Applicants respectfully request that this rejection of claims 7 and 8 under 35 USC 112, second paragraph be withdrawn.

III

Claim 14 was rejected for reciting "wherein the light entering said camera is not filtered with a polarizing filter prior to such light entering said camera." See page 3 of the Office Action. Applicants have canceled claim 14. Accordingly, Applicants respectfully request that this rejection of claim 14 under 35 USC 112, second paragraph be withdrawn.

IV

Claim 19 was rejected since "it was not understood what is meant by the terms 'vertical' and 'horizontal' because a reference plane is not defined." Claim 23 was rejected as depending from claim 19. See Page 3 of the Office Action. Applicants respectfully disagree. As discussed above, these terms are well known to one of ordinary skill in the art. Accordingly, Applicants respectfully request that this rejection of claims 19 and 23 under 35 USC 112, second paragraph be withdrawn.

REJECTION UNDER 35 USC 102

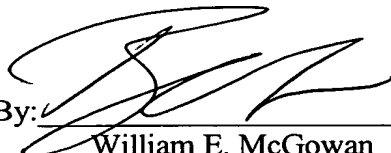
Claims 1, 3, 5, 7, 9, 10, 12, 12, and 15-24 were rejected under 35 USC 102 as being anticipated by Japanese Patent No. 07-323014 ("Kojima et al."). See pages 4-7 of the Office Action. Applicants respectfully disagree as the angle formed by said light source, the skin, and the camera is not defined by Kojima et al. While the Office Action states that it is recited on page 5, line 39 through page 6, line 10 and Figs. 1 and 3 of Kojima et al., Applicants do not see such teaching in Kojima et al. In addition, the angle of Fig. 1 of Kojima et al. appears to be less than from about 35 degrees to about 55 degrees, as recited in independent claims 1 and 12, and Fig 3 does not depict the camera.

However, in the interests of furthering the above Application to allowance, Applicants amended independent claims 1 and 12 to recite "wherein said light filtered using said polarizing filter is not filtered with another polarizing filter prior to such light entering said camera." Applicants reserve the right to file a continuation application for the subject matter originally claimed in claims 1 and 12. Kojima et al. does not disclose such methods of using a light emitted through a single polarizing filter, see, e.g., Figure 1 of Kojima et al. wherein the light passes through both polarizing filter 4 and polarizing filter 13 prior to entering camera 14. Accordingly, Applicants respectfully request that the above rejection under 35 USC 102 be withdrawn.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are captioned "Version with markings to show changes made".

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

Please replace the paragraph beginning at page 1, line 9, with the following rewritten paragraph:

In order to promote skin care products, many cosmetic companies ask their potential customers questions regarding perception of their skin. Based on the answers to these questions, cosmetic companies are able to better suggest cosmetic and therapeutic products to these people. Examples of such promotions can be found on the Internet webpages of Neutrogena® (~~www.neutrogena.com~~), L'Oreal® (~~www.lorealparisusa.com~~), and Lancome® (~~www.lancome.com~~). These questions, however, are only based upon the subject's perception of their skin under visible light. Many skin problems, however, are not always visible under such conditions.

Please replace the paragraph beginning at page 19, line 9, with the following rewritten paragraph:

On the side of table 15 away from chin rest 6 are flash units 30a, 30b, 40a, 40b, 50a, and 50b (Broncolor Picolites, Sinar Bron, Allschwil, Switzerland) which are powered, respectively, by power packs 92, 92, 93, 93, 91, and 91. The standard flash units 50a and 50b, which are used for taking a standard photograph, are mounted above camera 101 and angled down about 20 degrees. Flash units 50a and 50b are directed toward the center of the subject's face. Diffusing filters 51a and 51b (Broncolor Diffuser, Sinar Bron) are placed, respectively, in front of flash units 50a and 50b.

In the Claims:

Please cancel Claim 2, 4, 6, 8, and 14 without prejudice.

Please amend the following claims as follows:

1. (Amended) A method of photographing the skin of a person, said method comprising the steps of:
 - (i) illuminating said skin with at least one light source, where the light emitted from said light source is filtered using a polarizing filter; and
 - (ii) capturing the image of said illuminated skin with a camera;

wherein the angle formed by said light source, said skin, and said camera is from about 35 degrees to about 55 degrees and wherein said light filtered using said polarizing filter is not filtered with another polarizing filter prior to such light entering said camera.

11. (Amended) A method of claim 83, wherein said angle formed by said light source, said skin, and said camera is about 45 degrees.

12. (Amended) A method of promoting a skin care product, said method comprising:

(i) illuminating ~~said~~ the skin of a person with at least one light source, where the light emitted from said light source is filtered using a polarizing filter;

(ii) capturing the image of such illuminated skin with a camera, wherein the angle formed by said light source, said skin, and said camera is from about 35 degrees to about 55 degrees;

(iii) presenting said image to said person; and

(iv) suggesting skin care products based upon said person's review of said image;
wherein said light filtered using said polarizing filter is not filtered with another polarizing filter prior to such light entering said camera.

Please add the following new claims:

25. (New) A method of claim 5, wherein said angle formed by said light source, said skin, and said camera is about 45 degrees.

26. (New) A method of claim 15, wherein said angle formed by said light source, said skin, and said camera is about 45 degrees.

27. (New) A method of claim 16, wherein said angle formed by said light source, said skin, and said camera is about 45 degrees.

28. (New) A method of claim 17, wherein said angle formed by said light source, said skin, and said camera is about 45 degrees.

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29. (New) A method of claim 18, wherein said angle formed by said light source, said skin, and said camera is about 45 degrees.